S.B. CIVIL WRIT PETITION NO.3097/2007.

Rajendra Kumar
Vs.
State and ors.

Date of order : 30/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri S.N. Kumawat and
Shri Amit Kumar Soni for the petitioner.

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The petitioner has challenged the notice dated 9/2/2007 (Annexure-23) wherein recovery has been ordered to be made from him. The petitioner was awarded contract for collection of excess royalty.

Learned counsel for the petitioner argued that the excess royalty collection on expected lines could not be made on account of various reasons. One such reason cited by him reason that mining had to be stopped in the area under the orders of this Court as well as Hon'ble Supreme Court inasmuch as

mining in 290 mines has completely been stopped since 18/5/2006 in Brij Chorasi Parikrama on account of agitation of Sadhu-Sants. He has referred to various news items published in different newspapers on this aspect. He has also cited the reason that in large number of mines, mining was stopped because the Pollution Control Board either refused to grant N.O.C. or cancelled the N.O.C. earlier granted.

All these issues can be better appreciated by the concerned department /authorities as per the relevant provisions in the concerned statute. However, the fact remains that pursuant to the impugned-order, recovery of the outstanding is yet to be made from the petitioner. While according to the respondents, the petitioner is defaulter but the contract has been sanctioned to him upto the period

w.e.f. 31/3/2008 and therefore it is still subsisting.

Instead of therefore directly entertaining this writ petition, I set the petitioner at liberty to submit an appeal before the Director Mines under Rule 43 of the Rajasthan Minor Mineral Concession Rules, 1986 detailing out his grievances which he has raised in this petition. The Director Mines shall decide the appeal after affording an opportunity of hearing to the petitioner in accordance with law by a reasoned order as expeditiously as possible but in no case later than three months from the date such appeal is filed before it.

With the above observations, the writ petition is disposed of.

anil **(MOHAMMAD RAFIQ), J.**